

SPOKLIE GAME FARM EXPANSION DECISION DOCUMENT

July 29, 1997

Game Farm Application and MEPA Review

Montana Department of Fish, Wildlife & Parks (FWP) received an application for the proposed game farm expansion from Grant Spoklie on March 3, 1997. FWP accepted the application on April 1, 1997 within the required 30 days which initiated a 120-day review and decision period.

The applicant is currently licensed to raise up to 40 elk for breeding stock and antler production on 45 acres. The existing game farm was licensed in 1996. With the proposed 37 acre expansion, the game farm would comprise 82 acres and be licensed for up to 60 elk.

The existing game farm and proposed expansion areas are located approximately 4.5 miles southeast of Kalispell off of White Basin Road. The proposed expansion falls in 2 separate areas.

Expansion 1A: This 23 acre expansion is located adjacent to the 5 ac elk pasture located at the north end of the existing game farm. It would share a common fence with this 5 ac elk pasture. Of the 23 acres in this expansion, 15 acres consist of low elevation Douglas fir/snowberry habitat while approximately 8 acres includes grassland meadow. At the lower end, this pasture includes approximately 1/4 acre of a riparian/wetlands associated with Patrick Creek. Although this portion of the wetland dries up most months of the year, it does contain water for many months in wet years such as the spring and summer of 1997.

Expansion Area 1B: Expansion area 1B includes 14 acres located near the east side of the existing 40 acre elk pasture. This would not directly connect to the existing game farm enclosure and an area associated with the BPA powerlines would be left between this area and the 40 acre enclosure. This enclosure consists of Douglas fir forest types. Department of Livestock has requirements addressing the movement of game farm animals between noncontiguous pastures withing a game farm.

The proposed expansion areas lie within moderate density white-tailed deer year-round and winter range. Populations are estimated to be between 15 and 30 animals per square mile. In addition, the proposed project lies within habitats used by mountain lions, black bears, moose, mule deer, and occasionally elk. The proposed expansion also includes approximately 1/4 acre of wetlands which are at least seasonally wet.

An Environmental Assessment (EA) on this proposal was prepared pursuant to the Montana Environmental Policy Act (MEPA) and the game farm statute, and was distributed for public review. The EA identified no significant impacts that could not be mitigated.

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Proposed Decision

Based upon review of the EA, the game farm license application file, and the information noted below, FWP has determined that a license to operate the game farm expansion will be issued with stipulations. The issuance of this license is contingent upon approval of fence construction, Department of Livestock (DoL) approval of quarantine and handling facilities and the Licensee's adherence to the stipulations listed below. The Licensee will have two years from the date of this approval to complete fence construction as submitted in their application. Changes from the application must be approved by FWP prior to implementation of modifications.

Licensee must be in compliance with all game farm statutes, rules and regulations of Montana Fish, Wildlife & Parks and Department of Livestock. Current regulations are attached for the applicant's information, but it is the licensee's responsibility to keep up with any changes in the laws or regulations.

With most game farms, there is the concern of disease transmission to wild populations and also genetic 'pollution' should wild and captive animals interbreed. Wild animals such as native white-tailed deer, elk, black bears, mountain lions and coyotes can be attracted to game farms due to the availability of food and potential breeding opportunities (elk). Responsible management and adherence to FWP stipulations and regulations should reduce the risk of contact between wild and game farm animals to an acceptable level. The regulatory requirements for fencing and disease control, and the EA recommended measures should be sufficient for this purpose.

The recommendations, which are adopted here, include the following: that the Licensee properly store hay, feed and salt in enclosed containers and buildings a sufficient distance from the perimeter fence to minimize the attraction of wild animals; that the Licensee use commonly accepted sanitation measures to remove excess feed, dead animals and other wildlife attractants; and that the Licensee regularly patrol the fences to determine whether wild animals are gaining access to the game farm; that the Licensee exclude elk from the riparian/wetland area in such a manner that the elk wastes cannot get washed into or reach the wetland or water.

The Department of Environment Quality (DEQ) reviewed the Draft EA and concurred that with the recommended management practices in the Draft EA, which included fencing the wetland out of the pasture, there would be no impacts to water quality. DEQ may require the fencing out of the wetland area to remedy water quality impacts should they occur. A Confined Animal Feeding Operation (CAFO) permit may be required if animal numbers result in significant loss of vegetation and consequential runoff into Patrick Creek.

Any potential impacts on water quality not addressed herein can be mitigated by the applicant's compliance with the state's water quality standards and requirements. Point source discharges, which include operations qualifying as concentrated animal feeding operations, are regulated under Title 75, Chapter 5, Part 6, MCA, and ARM 16.20.1301, et seq. and may require permits. Nonpoint source discharges are regulated under the prohibitions against the pollution and non-degradation of state waters. Title 75, Chapter 5, Parts 3 and 6, MCA, and ARM 16.20.701 et

seq. Nonpoint sources of pollution are considered non-significant sources of degradation where reasonable land, soil, and water conservation practices are applied and existing and anticipated beneficial uses will be fully protected. ARM 16.20.713. The Department of Environmental Quality has the authority to determine whether an activity satisfies these standards. ARM 16.20.709.

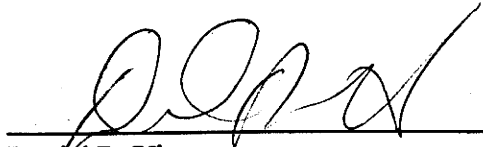
The proposed game farm with the expansions will exclude native wildlife from using 37 additional acres (82 total) of habitat that is currently considered moderate density winter range for white-tailed deer. The size of the game farm is relatively small in comparison to the amount of similar habitat located adjacent to the area. In addition, the configuration of the game farm with expansions will allow wild ungulates and other animals to move between the pastures. Therefore, it will not act as a barrier to wildlife movements. Overall, the impacts of the game farm on wildlife habitat is not considered significant.

The risks of disease transmission and genetic pollution associated with ingress and egress are genuine issues in this location given the presence of other wildlife, such as white-tailed deer, black bear, mountain lions, and occasional elk, mule deer, and moose in the adjacent area. FWP will require immediate notification of any ingress and egress to help FWP assess the adequacy of fencing requirements for this location. This should help to address problems early and may result in modifications to fence design.

The Department has the duty under MEPA to conduct an additional environmental review if the action approved by the agency changes, subsequent to the agency's original approval, in a manner which has impacts substantially different from those which were reviewed in the original MEPA review. Ravalli County Fish and Game Association v. Montana Department of State Lands, 273 Mont. 371, 903 P.2d 1362 (1995). For that reason, the Department provides notice that the MEPA review performed for the game farm expansion was reviewed for a total game farm operation of 60 elk. To the extent that the applicant hereafter increases the number or species of animals or makes other significant changes to the operation, a supplemental MEPA review may be conducted.

License Stipulations:

1. Existing license stipulations are applicable to the expansion.
2. Licensee must comply with DoL's requirements for movement of animals between noncontiguous pastures within the game farm.
3. FWP has conducted a MEPA review based upon the assumption that, since the applicant submitted \$200 which usually is the application price for a 1-20 elk game farm, the expansion would include another 20 animals. A supplemental MEPA review may be required if the applicant increases the number of animals above 60 for the entire game farm operation.



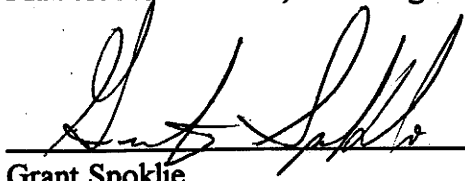
Daniel P. Vincent
Regional Supervisor

7/29/97

Date

Please sign and return the original to FWP to indicate your concurrence with the license stipulations listed above. A copy of the signed decision will be provided to you for your records.

Mail to: Noemi Barta, FWP Region One, 490 North Meridian Rd., Kalispell, MT 59901.



Grant Spoklie

2/31/97

Date